IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 9539 of 2007(I)

C.C.4191 OF 2006 OF J.F.C.M-I, ERNAKULAM

PETITIONER:

IBRAHIM, AGED 72 YEARS,
S/O.LATE SRI.MUHAMMED, MANUVELI,
NORTH KALAMASSERY, KALAMASSERY P.O.

BY ADV. SRI.M.A.ABDUL HAKHIM

RESPONDENTS:

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1. C.P.CHANDRASEKHARAN, ADVOCATE,
KALAVATH ROAD, PALARIVATTOM, COCHIN-25.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 9539 of 2007

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Dated this the 21st day of March, 2007

ORDER

The petitioner is a 72 year old person. He happens to be the complainant in two prosecutions, both against the same accused and both under Section 138 of the N.I. Act. The complaints were filed on 2.8.06 and 6.11.06. Summons was ordered to the accused. But thereafter on all dates of posting the matter is being adjourned by notification to distant dates.

2. The learned counsel for the petitioners submits that such long adjournment of prosecutions under Section 138 of the N.I. Act would defeat the very purpose of the provisions of S.138 of the Act.

3. I find merit in the grievance raised by the petitioner. Adjournment by notification has to be tolerated as that would save the court considerable time by not wasting time for unnecessarily calling the cases. But that can certainly not be in a case where appearance of the accused is not complete.

4. Call for a report from the learned Magistrate as to why cases are adjourned by notification even when the accused has not entered

appearance. The petitioner is a 72 year old person and compassion of the law towards senior citizens has found expression in a circular issued by this Court to take up cases of senior citizens out of turn expeditiously. The learned Magistrate must comply with the same and specify the time that is required for disposal of this case.

(R. BASANT)
Judge

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